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1972

Filed: 8/31/72

FRANK MURRAY

Secretary of State

By Forrest H. Anderson  
Chief Deputy

## STATE OF MONTANA

## Office of the Governor

## EXECUTIVE REORGANIZATION ORDER 3-72

Executive Reorganization Order Implementing the Department of Law Enforcement and Public Safety Pursuant to the Executive Reorganization Act of 1971.

Under the Executive Reorganization Act of 1971 (Laws of Montana, 1971, Chapter 272), the Governor is authorized to sign executive orders implementing the various chapters of the Act.

THEREFORE, I, FORREST H. ANDERSON, Governor of the State of Montana, pursuant to the authority invested in me, order that:

1. Chapter 12 (Sections 82A-1201 through 82A-1208) of the Executive Reorganization Act of 1971 providing for the creation of the Department of Law Enforcement and Public Safety shall be effective September 1, 1972.

2. From and after September 1, 1972, the Department and its functions shall be organized, supervised, administered, and executed pursuant to the Executive Reorganization Act of 1971, the Constitution, other statutes of the state, the reorganization plan (dated June 15, 1972) prepared and submitted by the Attorney General of the State of Montana, and the account/appropriation transfer form for the Electrical Board contained in the reorganization plan for the Department of Professional and Occupational Licensing (dated July 24, 1972).

3. This executive order shall not affect the validity of any judicial or administrative proceeding pending or which could have been commenced before the date of the order, and the department or unit which succeeds to the functions of an agency transferred or retained by this order shall be substituted as a party in interest.

4. The Department's organization charts and descriptions of major programs are appended to this order. However, the Secretary of State need not send the charts and descriptions of major programs to those persons named in Section 6 of the Executive Reorganization Act as a part of this order.

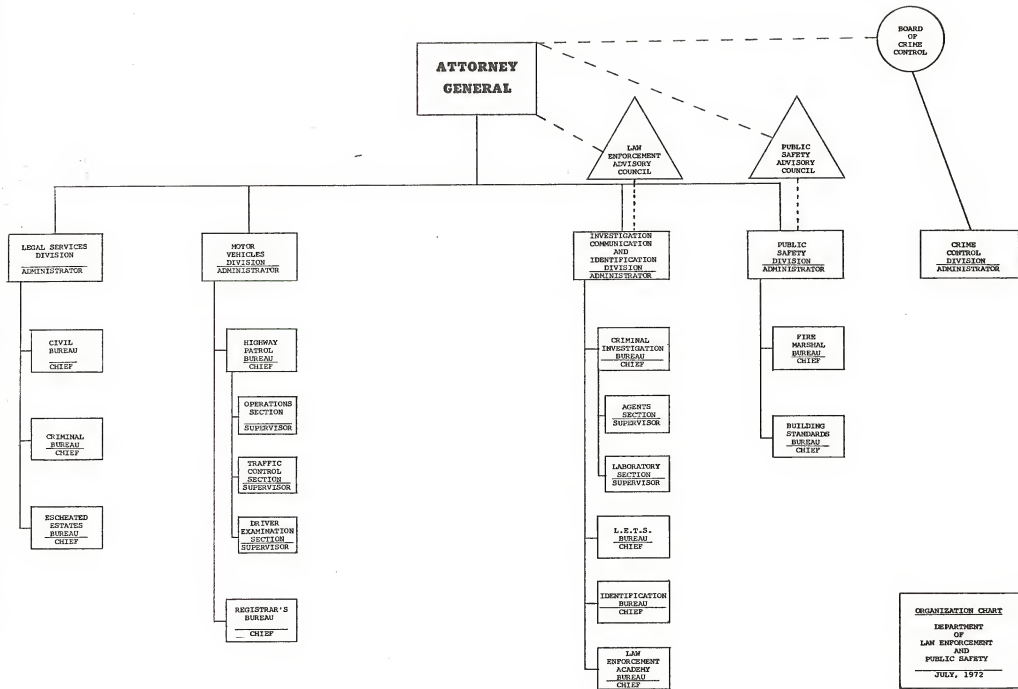
Given under my hand and the GREAT SEAL of the State of Montana this 30th day of August, in the year of our LORD, One Thousand Nine Hundred and Seventy-two.

Forrest H. Anderson  
FORREST H. ANDERSON, Governor

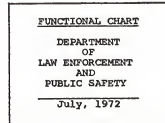
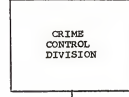
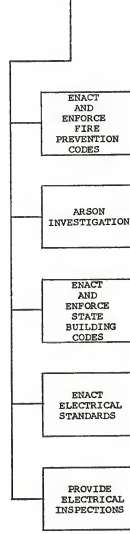
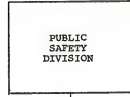
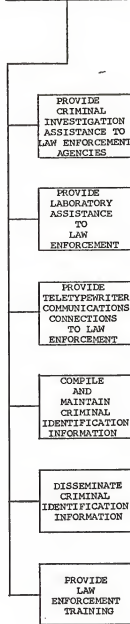
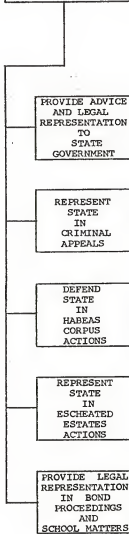
ATTEST:

Frank Murray  
Secretary of State











MOTOR  
VEHICLES  
DIVISION

HIGHWAY  
PATROL  
BUREAU

ENFORCE  
HIGHWAY  
TRAFFIC  
LAWS AND  
REGULATIONS

REGULATE  
DRIVER  
LICENSING

REGISTRAR'S  
BUREAU

ADMINISTER  
MOTOR VEHICLE  
LICENSING

ISSUE  
MOTOR VEHICLE  
CERTIFICATES

COMPILE  
AND MAINTAIN  
APPLICATIONS  
FOR  
MOTOR VEHICLE  
REGISTRATION

MAINTAIN  
RECORDS  
OF  
MOTOR VEHICLE  
LIENS AND  
MORTGAGES

PROVIDE  
MOTOR VEHICLE  
INFORMATION  
TO  
APPROPRIATE  
PARTIES

FUNCTIONAL CHART

DEPARTMENT  
OF  
LAW ENFORCEMENT  
AND  
PUBLIC SAFETY

JULY, 1972





## MAJOR PROGRAMS

### Legal Services Program

#### DESCRIPTION:

This program provides services in the following areas:

1. Providing legal advice to the state and its agencies and to public officials. This function includes the rendering upon request of legal opinions to state officials and designated county officials, as well as representing the state, its agencies, and public officials in litigation concerning them. Additionally, the Attorney General is required to examine a certified copy of all proceedings preliminary to a bond issue by a school district, county, city or town and issue his certificate of validity.

The Business Corporation Act and the Nonprofit Corporation Act make the Attorney General responsible for the involuntary dissolution of corporations which have violated specified provisions of the act. The Administrative Procedure Act requires the Attorney General to prepare model rules of practice for state agencies and to amend such model rules from time to time as he deems necessary.

2. Representing the state upon appeal of a criminal prosecution to the Montana Supreme Court, and representing the state in criminal cases appealed to the United States Supreme Court and in habeas corpus actions brought in state or federal courts.

3. The Escheated Estates Program of the Office of the Attorney General represents the state on cases involving money and other property escheating to the state. Duties include making investigations and conducting inquiries to determine whether there is property in the state which should escheat to the state, and to take all steps necessary to secure such escheat.

#### AUTHORITY:

Title 82, chapter 4, sections 15-2287, 15-2351, and 82-4203, R.C.M. 1947.

#### DIVISION RESPONSIBLE:

Legal Services Division.



## Highway Patrol Program

### DESCRIPTION:

The operations of the Highway Patrol are divided into several areas which are as follows:

1. Regulation and supervision of vehicular traffic on public highways, assisting the motoring public, and investigating mishaps occurring on public roads;
2. Administration of the driver's licensing program including conducting new and renewal driver examinations, operations involving driver improvement, and management of the driver's license-improvement records system;
3. Enforcement of the laws relating to the movement of trucks, trailers, and other heavy equipment on the public roads of the state, including protecting the serviceability of the public roads and highways and insuring the payment of the required legal taxes;
4. Additional duties include administration of the Uniform Accident Reporting Act, determination of compliance with the Motor Vehicle Safety Responsibility Act, advising in the adoption of school bus regulations and inspecting school buses, and serving as ex-officio fire wardens.

### AUTHORITY:

1. Title 31, chapter 1, R.C.M. 1947.
2. Title 31, chapter 1, R.C.M. 1947.
3. Sections 32-1123, 32-3309, 32-3314, and 53-118, R.C.M. 1947.
4. Title 32, chapter 12; Title 53, chapter 4; sections 75-3308 and 28-125, R.C.M. 1947.

### DIVISION RESPONSIBLE:

Motor Vehicles Division.



Registrar of Motor Vehicles Program

DESCRIPTION:

The Registrar of Motor Vehicles is charged with the duty of keeping a record of all motor vehicles, trailers and semitrailers, and certificates of registration and ownership thereof, and of all dealers in motor vehicles. Responsibilities include:

- (1) issuance and transfer of titles to motor vehicles;
- (2) registration of motor vehicles;
- (3) recording motor vehicle liens and mortgages;
- (4) administering the Safety Responsibility Act;
- (5) furnishing information relative to motor vehicles to law enforcement agencies and other appropriate persons; and
- (6) administering the issuance of license plates for motor vehicles.

AUTHORITY:

Title 53, chapters 1 and 4, R.C.M. 1947.

DIVISION RESPONSIBLE:

Motor Vehicles Division.



## Criminal Investigation Program

### DESCRIPTION:

The duties of the Criminal Investigation Division are to assist city, county, state and federal law enforcement agencies at their request by providing expert and immediate aid in investigation and solution of felonies committed in the state; assist various law enforcement schools held in the state for law officers; cooperate with the Bureau of Criminal Identification and Investigation; and to serve as peace officers when carrying out statutory duties. In addition, the Criminal Investigation Division has established laboratory facilities to analyze suspected drug samples submitted by local law enforcement agencies.

### AUTHORITY:

Sections 82-414 through 82-420, R.C.M. 1947.

### DIVISION RESPONSIBLE:

Investigation, Communication and Identification Division.

## Machine Gun Registration Program

### DESCRIPTION:

The purpose of this program is to register every machine gun in the state adapted to use cartridges of .30 caliber or larger, showing the model and serial number of the gun, the name, address and occupation of the person in possession, and from whom and the purpose for which the gun was acquired.

### AUTHORITY:

Section 94-3108, R.C.M. 1947.

### DIVISION RESPONSIBLE:

Investigation, Communication and Identification Division.





Law Enforcement Teletypewriter Communications Program

DESCRIPTION:

The purpose of the L.E.T.S. system is to provide teletype communication between federal, state, county, and city law enforcement agencies to facilitate the rapid exchange of information concerning criminal activities.

AUTHORITY:

Sections 82-3901 through 82-3906, R.C.M. 1947.

DIVISION RESPONSIBLE:

Investigation, Communication and Identification Division.

Bureau of  
Criminal Identification and Investigation Program

DESCRIPTION:

The Bureau shall procure and file for record photographs, pictures, descriptions, fingerprints, measurements and other pertinent information of all persons who have been convicted of a felony within the state, and of other well-known and habitual criminals. The Bureau is to notify all law enforcement agencies, submitting such material, of any previous criminal record of such persons, and the Bureau cooperates with other states and the FBI in developing an interstate and international system of criminal identification.

AUTHORITY:

Sections 80-2001 through 80-2006, R.C.M. 1947.

DIVISION RESPONSIBLE:

Investigation, Communication and Identification Division.



## Montana Law Enforcement Academy Program

### DESCRIPTION:

To provide Montana law enforcement officers with a means of securing additional training in the field of law enforcement. Presently the Academy sponsors several schools of several weeks' duration covering different aspects of law enforcement training.

### AUTHORITY:

Sections 75-5201 through 75-5208, R.C.M. 1947.

### DIVISION RESPONSIBLE:

Investigation, Communication and Identification Division.

## Fire Marshal Program

### DESCRIPTION:

The duties of the Fire Marshal are to upgrade fire safety within the state and reduce loss of life and property by fire. Responsibilities include:

- (1) consultation with members of the building profession, government officials and members of the public on matters pertaining to fire safety;
- (2) inspection of state institutions, university units, petroleum bulk plants, business and industrial buildings, places of public assembly and occupancies, hospitals, day care centers, etc.;
- (3) standardization of fire protective equipment;
- (4) reading of building plans for conformance with fire safety standards;
- (5) investigation of fires;
- (6) administration of fireworks law;
- (7) licensing and inspection of powder magazines; and
- (8) adoption of safety codes and rules.

### AUTHORITY:

Title 82, chapter 12, R.C.M. 1947.

### DIVISION RESPONSIBLE:

Public Safety Division.



## Building Code Council Program

### DESCRIPTION:

The Council is to adopt and enforce building codes to protect the health and safety of the residents of the state, and to provide protection to the public against possible hazards by forbidding the manufacture and sale of new mobile homes and recreational vehicles which are not so constructed as to provide reasonable safety and protection to their owners and users.

### AUTHORITY:

Title 69, chapter 21, R.C.M. 1947.

### DIVISION RESPONSIBLE:

Public Safety Division.

## Electrical Inspection Program

### DESCRIPTION:

The purpose of this program is to protect the people of Montana from the danger of electrically-caused shocks, fires and explosions, to protect property from the hazard of electrically-caused fires and explosions, and to assure that electrical installations and electrical products made and sold within this state meet minimum safety standards. Rules and standards are to be adopted to insure that all installations of wires and equipment to convey electric current and installations of apparatus to be operated by such current are made substantially in compliance with the National Electrical Code.

### AUTHORITY:

Title 66, chapter 28, R.C.M. 1947.

### DIVISION RESPONSIBLE:

Public Safety Division.



## Governor's Crime Control Commission Program

### DESCRIPTION:

The duties of the Commission are to implement the provisions of the Omnibus Crime Control and Safe Streets Act of 1968. Areas of responsibility include the development of a comprehensive, state-wide plan for the improvement of law enforcement throughout the state; defining, developing and correlating programs and projects for the state and units of general local government; and establishing priorities for the improvement of law enforcement throughout the state.

### AUTHORITY:

Executive Order number 3723, dated August 23, 1968, and section 82A-1207, R.C.M. 1947.

### DIVISION RESPONSIBLE:

Crime Control Commission Division.





## ADVISORY COUNCILS

The Department of Law Enforcement and Public Safety proposes to establish two advisory councils which will be as follows:

1. Law Enforcement Advisory Council:

The individuals appointed to the Law Enforcement Advisory Council will be named subsequent to activation of the Department.

The compensation for Council members will be \$25.00 per day pursuant to section 82A-110 (5), R.C.M. 1947.

The purpose and functions of the Law Enforcement Advisory Council will be to provide a continuing source of advice to the Attorney General relative to the operation of the Investigation, Communication and Identification Division of the Department, and the needs of local law enforcement to be served by the Division.

The Council will serve for a period of two years from the date of establishment.

2. Public Safety Advisory Council:

The individuals appointed to the Public Safety Advisory Council will be named subsequent to activation of the Department.

The compensation for Council members will be \$25.00 per day pursuant to section 82A-110 (5), R.C.M. 1947.

The purpose and functions of the Public Safety Advisory Council will be to advise and assist the Attorney General in the adoption of effective, uniform building codes and fire safety codes, and provide continuing consultation to the Attorney General relative to the enforcement of such codes.

The Council will serve for a period of two years from the date of establishment.

Montana State Library



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